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10/044,674 01/09/2002 Anne Chew MWH-001US 9725

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ART UNIT PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10/044,674	•	Application No.	Applicant(s)	
Joseph T. Worksch Jos2 Joseph T. Worksch Jos2 Joseph T. Worksch Jos2 Joseph T. Worksch Jos2 Joseph T. Worksch Joseph T. W	Office Action Summary	10/044,674	CHEW ET AL.	
The MAILING DATE of this communication appears on the cover sheet with th correspondence address → Priof of r R Py A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Eatherisate of this may be greated used the provisions of 3 CCR 1.18(a). In a overt, however, may a neply be timely filed Lift this period for mply a specified above a lease than thirty (20) above, an engly within the statutory uniforms of theirly (30) days, will be considered timely. If this period for mply a specified above a lease than thirty (20) above, an engly with the statutory reported all paper and englies (30) (A) (A) (A) (A) (A) (A) (A) (A) (A) (A		Examiner	Art Unit	
P ridof r R ply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. active the MAILING DATE OF THIS COMMUNICATION. active SIX (6) MONTHS from the mailing date of this communication. It he period for reply specified above, the maximum datalatery prior of will apply and will expense 31X (6) MONTHS from the mailing date of this communication. It has period for reply specified above, the maximum datalatery prior of will apply and will expense 31X (6) MONTHS from the mailing date of this communication. It has period for reply specified alter than the rose underside after the mailing date of this communication. Any very brounded by the Office after than the rose underside after the mailing date of this communication, even if many flex, may website any application is private. 1) □ Responsive to communication(s) filled on 09 January 2002. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) is/are pending in the application. 4a) ○ If he above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on is/are: aligned to december of the promity under 35 U.S.C. § 119(a)·(d) or (f). 3) □ All by □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17 2(a)). **See the attached detailed Office action for a list of the certified copies on the priority doc				
THE MAILING DATE OF THIS COMMUNICATION. Ederations or bine may be available under the procession of 37 CFR 1.13(dp.). In or event, however, may a reply be limitly filled after SX (6) MOTHS from the making date of this communication. It NO period for reply is specified above, the maximus attailating period all pages and without the statutory mixed within the statutory mixed and statutory mixed and six (6) MOTHS from the making date of this communication. Failur to roply within the set or extended period for roply will, by statute, cause the application to become ABANDONED (35 to £. § 13). Any roply received by the TOTHs of the from throw communication, should be provided by the Toths with the from the communication. **Pailur to roply within the set or extended period for roply will, by statute, cause the application, even if timely filed, may reduce any statute plants them adjustment. See 57 CFR 1.104(t). **Status** 1) ☐ Responsive to communication(s) filled on **OB January 2002** 2a) ☐ This action is FINAL. 2b) ☐ This action is non-difficult for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under **Ex parte Quayle**, 1935 C.D. 11, 453 O.G. 213. **Disposition of Claims** 4) ☐ Claim(s) 1.34 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are allowed. 7) ☐ Claim(s) is/are rejected. 9) ☐ The especification is objected to by the Examiner. Application Papers 9) ☐ The psecification is objected to the structure of the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The other or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. **Priority under 35 U.S.C. § 119(a) cd) or (f). 11) ☐ Althory of the priority documents have been received in this	The MAILING DATE of this communication appears on the cover sheet with the correspondence address P riod f r R ply			
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DETAILED ACTION

This application filed January 9, 2002, is a continuation in par of PCT/US00/18803, filed July 10, 2000, which claims benefit to provisional application 60/143,020, filed July 9, 1999.

Claims 1-34 are pending and currently under examination.

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10, drawn to a method of haplotyping/genotyping the tumor necrosis factor receptor superfamily member 11b gene (osteoprogerin) comprising analyzing the specific sequences set forth as PS No. 1-19, classified in class 435, subclass 440.
- II. Claims 11 and 12, drawn to a method to determine the relationship of a trait and the haplotype of the tumor necrosis factor receptor superfamily member 11b gene (osteoprogerin) comprising analyzing the specific sequences set forth as PS No. 1-19 and their association with a given trait of interest, classified in class 435, subclass 440.
- III. Claims 13-19, drawn to isolated oligonucleotides and kits for haplotyping/genotyping the tumor necrosis factor receptor superfamily member 11b gene (osteoprogerin), classified in class 536, subclass 24.33.

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- IV. Claims 20, 21, 24, 25 and 28, drawn to an isolated polynucleotide sequence comprising the tumor necrosis factor receptor superfamily member 11b gene (osteoprogerin), classified in class 536, subclass, 23.1.
- V. Claims 22, 23, 26 and 27, drawn to a recombinant nonhuman organism comprising the tumor necrosis factor receptor superfamily member 11b gene (osteoprogerin), classified in class 800, subclass 3.
- VI. Claims 29 and 32, drawn to an isolated polypeptide comprising the tumor necrosis factor receptor superfamily member 11b gene (osteoprogerin), classified in class 530, subclass 350.
- VII. Claim 30, drawn to an isolated antibody that binds to a sequence comprising the tumor necrosis factor receptor superfamily member 11b gene (osteoprogerin), classified in class 424, subclass 130.1.
- VIII. Claim 31, drawn to a method of screening drugs that bind a polypeptide comprising the tumor necrosis factor receptor superfamily member 11b gene (osteoprogerin) protein, classified in class 436, subclass 500.
- IX. Claim 33, drawn to a computer system for storing and analyzing polymorphism data for the tumor necrosis factor receptor superfamily member 11b gene (osteoprogerin), classified in class 709, subclass 326.

V. Claim 34, drawn to a genome anthology comprising the tumor necrosis factor receptor superfamily member 11b gene (osteoprogerin), classified in class 536, subclass 23.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions III, IV, V, VI, VII, IX and X are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are each drawn to products that are structurally and physically different, and can be used in different methods wherein the other products could not be used. For example the oligonucleotides can be used for PCR, the polynucleotides can be used as probes, the protein can be used to generate antibodies, the antibodies can be used to isolate the protein from a mixture, a computer can be used for other functions and the anthology can be used to generate a library for protein expression.

Inventions I, II and VIII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are drawn to different methods having different specific method steps and requiring different materials to practice.

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Inventions VI and VIII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the peptides can be used in a method to generate antibodies.

Inventions III and I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the oligonucleotide can be used to generate cDNA clones in the generation of expression vectors.

Because these inventions are distinct for the reasons given above and the search required for Groups I-X is not required and different for one another, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Woitach whose telephone number is (571) 272-0739.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Reynolds, can be reached at (571)272-0734.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group analyst Dianiece Jacobs whose telephone number is (571)272-0532.

Joseph T. Woitach

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